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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gentz et al.

Docket No.: PF111U3C1D1

Application No.: 10/626,530

Confirmation No.: 2273

Filed: July 25, 2003

Art Unit: 1646

For: Monocyte Colony Inhibitory Factor (M-CIF)
Antibodies (as amended)

Examiner: P. M. Mertz

INFORMATION DISCLOSURE STATEMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references A-BZ listed on the attached Form PTO/SB/08.

Copies of references S-BZ were submitted by Applicants or cited by the Examiner in connection with the applications to which the instant application claims benefit under 35 U.S.C. § 120. Pursuant to 37 C.F.R. § 1.98(d), the Examiner is directed to the files of the benefit applications for copies of references S-BZ.

Pursuant to 37 C.F.R. § 1.98(a)(3), Applicants note that references AB-AD, AG, AL, and AO are not in the English language. For references AB-AD, English translations were submitted in benefit U.S. Application No. 09/571,013 together with copies of the references as noted above. For reference AG, the sequence information on pages 3-7 therein is in English. For references AL and AO, Applicants note that references I and J are the U.S. patents issued from the national stage applications of the international applications published as references AL and AO, and thus references I and J may serve as translations thereof.

Pursuant to M.P.E.P. § 609 at page 600-122, since English language translations or English language equivalent applications have been submitted for references AB-AD, AL, and AO as noted above, no concise explanation is required by 37 C.F.R. § 1.98(a)(3)(i) for those

references. With respect to reference AG, Applicants submit the following concise explanation: Reference AG discloses what are described as HCC-1 cDNA and genomic sequences on pages 3-7.

Applicants also wish to bring to the attention of the Examiner that SEQ ID NOS:1 and 2 and the corresponding cDNA clone of this application are related to SEQ ID NOS:1 and 2 in copending U.S. Application No. 10/153,604, filed May 24, 2002 (published as reference N).

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Identification of the listed references is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Pursuant to 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. Accordingly, no fee is believed due. However, should the Patent Office determine otherwise, please charge the required fee to our Deposit Account No. 08-3425.

Dated: August 8, 2005

Respectfully submitted,

By 

Mark J. Hyman

Registration No.: 46,789

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Substitute for form 1449A/B/PTO		Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/626,530-Conf. #2273
		Filing Date	July 25, 2003
		First Named Inventor	Reiner L. Gentz
		Art Unit	1646
		Examiner Name	P. M. Mertz
Sheet 1 of 4	Attorney Docket Number	PF111U3C1D1	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Document Number Number*Kind Code* (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A*	US-4,897,348	01-30-1990	Johnson et al.	
	B*	US-5,268,463	12-07-1993	Jefferson	
	C*	US-5,346,686	09-13-1994	Lyle et al.	
	D*	US-5,504,003	04-02-1996	Li et al.	
	E*	US-5,556,767	09-17-1996	Rosen et al.	
	F*	US-5,874,211	02-23-1999	Bandman et al.	
	G*	US-5,912,327	06-15-1999	Li et al.	
	H*	US-6,001,606	12-14-1999	Ruben et al.	
	I*	US-6,180,773-B1	01-30-2001	Forssmann et al.	
	J*	US-6,403,553-B1	06-11-2002	Opitz et al.	
	K*	US-6,451,562-B1	09-17-2002	Ruben et al.	
	L*	US-6,488,925-B2	12-03-2002	Ruben et al.	
	M*	US-6,495,129-B1	12-17-2002	Li et al.	
	N*	US-2003/0143191-A1	07-31-2003	Bell et al.	
	O*	US-2003/0147846-A1	08-07-2003	Ruben et al.	
	P*	US-2003/0158387-A1	08-21-2003	Forssmann et al.	
	Q*	US-6,623,942-B2	09-23-2003	Ruben et al.	
	R*	US-6,811,773-B1	11-02-2004	Gentz et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Foreign Patent Document Country Code*Number*Kind Code* (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	S**	WO-90/02762-A1	03-22-1990	The Rockefeller University, et al.	
	T**	WO-91/04274-A1	04-04-1991	Genetics Institute, Inc.	
	U**	WO-92/00326-A1	01-09-1992	Chiron Corporation	
	V**	WO-92/00327-A1	01-09-1992	Chiron Corporation	
	W**	WO-92/05198-A1	04-02-1992	Chiron Corporation	
	X**	WO-92/13553-A2	08-20-1992	The Rockefeller University	
	Y**	WO-92/20372-A1	11-26-1992	Dana Farber Cancer Institute	
	Z**	WO-93/09799-A1	05-27-1993	University of Pennsylvania	
	AA**	WO-95/17092-A1	06-29-1995	Human Genome Sciences, Inc.	
	AB**	WO-95/18228-A1	07-06-1995	Forssmann et al.	x
	AC**	DE-4344397-A1	07-06-1995	Forssmann et al.	x
	AD**	DE-4427395-A1	02-08-1996	Forssmann et al.	x
	AE**	WO-96/16979-A1	06-06-1996	Incyte Pharmaceuticals, Inc.	
	AF**	WO-96/22374-A1	07-25-1996	Incyte Pharmaceuticals, Inc.	
	AG**	DE-19512463-A1	10-10-1996	Forssmann et al.	HCC-1 cDNA sequence on page 3, HCC-1 genomic sequence on pages 4-7
	AH**	WO-96/32481-A1	10-17-1996	Incyte Pharmaceuticals, Inc.	

Examiner Signature		Date Considered	
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		Filing Date	July 25, 2003		
		First Named Inventor	Reiner L. Gentz		
		Art Unit	1646		
		Examiner Name	P. M. Mertz		
Sheet	2	of	4	Attorney Docket Number	PF111U3C1D1

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Examiner Initials ¹	Cite No. ¹	Foreign Patent Documents		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ -Number ³ -Kind Code ³ (if known)					
	AJ**	WO-98/34891-A1		11-07-1996	Human Genome Sciences, Inc.		
	AJ**	WO-97/12041-A1		04-03-1997	SmithKline Beecham Corp.		
	AK**	WO-97/15594-A1		05-01-1997	SmithKline Beecham Corp.		
	AL**	WO-97/41230-A2		11-06-1997	Forssmann et al.		x
	AM**	EP-0 807 439-A2		11-19-1997	SmithKline Beecham Corp.		
	AN**	WO-98/14582-A1		04-09-1998	Human Genome Sciences, Inc. et al.		
	AO**	WO-98/25966-A1		06-18-1998	Boehringer Mannheim GmbH et al.		x
	AP**	WO-01/31016-A2		05-03-2001	Euroscreen et al.		
	AQ**	WO-02/97038-A1		12-05-2002	Human Genome Sciences, Inc. et al.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because their application was filed after June 30, 2003 or is available in the IPW. ** CITE NO.: Those document(s) which are marked with an asterisk (*) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. * Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	AR**	BISCHOFF, S. C., et al., "Monocyte Chemotactic Protein 1 is a Potent Activator of Human Basophils," J. Exp. Med. 197:1271-1275 (1992).		
	AS**	BLUM, S., et al., "Three Human Homologues of a Murine Gene Encoding an Inhibitor of Stem Cell Proliferation," DNA and Cell Biology 9(8):589-602 (1990).		
	AT**	CHANG, M., et al., "Cloning and Characterization of the Human Neutrophil-activating Peptide (ENA-78) Gene," J. Biol. Chem. 269 (41):25277-25282 (1994).		
	AU**	CLEMENTS, J.M., et al., "Biological and Structural Properties of MIP-1.alpha. Expressed in Yeast," Cytokine 4:76-82 (Jan. 1992).		
	AV**	DERYNCK, R., et al., "Recombinant Expression, Biochemical Characterization, and Biological Activities of the Human MGSA/gro Protein," Biochem. 29:10225-10233 (Nov. 1990).		
	AW**	GLOVER, D.M., "The Principles of Cloning DNA," in: Gene Cloning: The Mechanics of DNA Manipulation, Chapman and Hall, London, UK, pp. 1-20 (1984).		
	AX**	GRAHAM, G. J. and Pragnell, I. B., "SC/MIP-1 alpha: A Potent Stem Cell Inhibitor with Potential Roles in Development," Developmental Biol. 151:377-381 (1992).		
	AY**	HARLOW, E. and LANE, D., from "Antibodies. A Laboratory Manual," Cold Spring Harbor Laboratory, Cold Spring Harbor, NY, p. 6 (1988).		
	AZ**	JOHNSON, M. C., et al., "Cloning of Two Rabbit Gro Homologues and Their Expression in Alveolar Macrophage," Gene 151:337-338 (1994).		
	BA**	JOSE, P.J., et al., "Eotaxin: A Potent Eosinophil Chemoattractant Cytokine Detected in a Guinea Pig Model of Allergic Airways Inflammation," J. Exp. Med. 179:881-887 (Mar. 1994).		

Examiner Signature	Date Considered
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Supplement to form 1449A/B/PTO		Complete if Known			
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		Filing Date:	July 25, 2003		
		First Named Inventor:	Reiner L. Gentz		
		An Unit:	1646		
		Examiner Name:	P. M. Mertz		
Sheet	3	of	4	Attorney Docket Number	PF111U3C1D1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	BB**	KUNA, P. et al., "Monocyte Chemotactic and Activating Factor Is a Potent Histamine-releasing Factor for Human Basophils." J. Exp. Med. 175:489-493 (Feb. 1992).	
	BC**	KWON, B.S., and Weissman, S.M., "cDNA Sequences of two Inducible T-cell Genes," Proc. Natl. Acad. Sci. USA 86:1963-1967 (Mar. 1989).	
	BD**	LERNER, R.A., "Tapping the Immunological Repertoire to Produce Antibodies of Predetermined Specificity." Nature 229:592-596 (Oct. 1982).	
	BE**	LUKACS, N. W., et al., "The Role of Macrophage Inflammatory Protein 1.alpha. in Schistosoma mansoni Egg-induced Granulomatous Inflammation," J. Exp. Med. 177:1551-1559 (1993).	
	BF**	PARDIGOL, A. et al., "HCC-2, a human chemokine: Gene structure, expression pattern, and biological activity." Proc. Nat. Acad. Sci. USA 95, 6308-6313 (May 1998).	
	BG**	MATSUSHIMA, K., et al., "Purification and Characterization of a Novel Monocyte Chemotactic and Activating Factor Produced by a Human Myelomonocytic Cell Line," J. Exp. Med. 169:1485-1490. (Apr. 1989).	
	BH**	MIKAYAMA et al., "Molecular cloning and functional expression of a cDNA encoding glycosylation-inhibiting factor." Proc Natl Acad Sci U S A. 90(21):10056-60 (Nov. 1, 1993).	
	BI**	NAKAO, M., et al., "Structures of Human Genes Coding for Cytokine IL78 and Their Expression," Molecular and Cellular Biology 10(10):3646-3658 (1990).	
	BJ**	OBARU, K., et al., "A cDNA Clone Used to Study mRNA Inducible in Human Tonsillar Lymphocytes by a Tumor Promoter," J. Biochem. 99(3):885-894 (1986).	
	BK**	PARDIGOL, A. et al., "HCC-2, a human chemokine: Gene structure, expression pattern, and biological activity," Proc. Nat. Acad. Sci. USA 95, 6308-6313 (May 1998).	
	BL**	POLTORAK, A., et al., "Molecular Cloning of MIP-1.gamma., A New Member of the Chemokine Family, through Differential Screening Based on Extinction of Macrophage Specific Genes," Clinical Research 42(2):306A XP000673113(Apr. 1994).	
	BM**	POLTORAK, A. N., et al., "MIP-1.gamma.: Molecular Cloning, Expression, and Biological Activities of a novel CC Chemokine That is Constitutively Secreted In Vivo," J. Inflamm. 45:207-219 (1995).	
	BN**	POWER, C.A., et al., "Cloning of a Full-Length Cdna Encoding the Neutrophil-activating Peptide Ena-78 from Human Platelets," Gene 151:333-334 (Jan. 1994).	
	BO**	PROOST, P., et al., "Purification, Sequence Analysis, and Biological Characterization of a Second Bovine Monocyte Chemotactic Protein-1 (Bo MCP-1B)," Biochemistry33:13406-13412 (Nov. 1994).	
	BP**	SCHALL, T.J., "Biology of the RANTES/SIS Cytokine Family," Cytokine 3:165-183 (May 1991).	
	BQ**	SCHULZ-KNAPPE, P. et al., "HCC-1, a novel chemokine from human plasma," J. Exp. Med. 183(1), 295-299 (1996)	
	BR**	SUDO, K., et al., "2058 Expressed Sequence Tags (ESTs) from a Human Fetal Lung cDNA Library," Genomics 24:276-279 (Nov. 1994)	
	BS**	VOET et al Biochemistry, John Wiley & Sons, Inc., pp. 126-128 and 228-234, 1990.	
	BT**	WEBER, M., et al., "Deletion of the NH.sub.2-Terminal Residue Converts Monocyte Chemotactic Protein 1 from an Activator of Basophil Mediator Release to an Eosinophil Chemoattractant," J. Exp. Med. 183:681-685 (Feb. 1996)	
	BU**	WOLPE, S.D., and CERAMI, A., "Macrophage Inflammatory Proteins 1 and 2: Members of a Novel Superfamily of Cytokines," FASEB J. 3:2565-2573 (Dec. 1989).	

Examiner Signature		Date Considered	
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Sheet	4	of	4	Attorney Docket Number	PF111U3C1D1

NON PATENT LITERATURE DOCUMENTS			
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	BV**	YOSHIDA, T., et al., "Molecular Cloning of a Novel C or .gamma. Type Chemokine, SCM-1," FEBS Letters 360:155-159 (Feb. 1995).	
	BW**	ZIPFEL, P.F., et al., "Mitogenic Activation of Human T Cells Induces two Closely Related Genes Which Share Structural Similarities with a New Family of Secreted Factors," J. Immunol. 142:1582-1590 (Mar. 1989).	
	BX**	Search Report for EP 925671.3.	
	BY**	International Search Report for International Application No. PCT/US95/09058.	
	BZ**	Derwent WPI, English language abstract for WO 95/18228.	

*EXAMINER. Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO. Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120.

¹Applicant's unique citation designation number (optional). *Applicant is to place a check mark here if English language Translation is attached

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